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Attorneys for Plaintiffs,  
ARISTA RECORDS LLC; UMG  
RECORDINGS, INC.; and SONY BMG  
MUSIC ENTERTAINMENT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ARISTA RECORDS LLC, a Delaware limited  
liability company; UMG RECORDINGS, INC.,  
a Delaware corporation; and SONY BMG  
MUSIC ENTERTAINMENT, a Delaware  
general partnership,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO. 3:08 CV 01049 SI

**Honorable Susan Illston**

***EX PARTE* APPLICATION TO CONTINUE  
CASE MANAGEMENT CONFERENCE  
AND [PROPOSED] ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference  
2 currently set for May 30, 2008 at 2:00 p.m. to August 29, 2008. As further explained below,  
3 Plaintiffs have discovered the identity of the Doe defendant in this case and the parties have reached  
4 a provisional settlement. In support of their request, Plaintiffs state as follows:

5 1. The initial case management conference is set for May 30, 2008 at 2:00 p.m.  
6 Plaintiffs have not requested any previous continuances of the case management conference in this  
7 matter.

8 2. Plaintiffs filed their Complaint for Copyright Infringement against Defendant John  
9 Doe ("Defendant") on February 21, 2008. Plaintiffs did not have sufficient identifying information  
10 to name the defendant individually in the Complaint, but were able to identify Defendant by the  
11 Internet Protocol address assigned by Defendant's Internet Service Provider ("ISP").

12 3. In order to determine Defendant's true name and identity, Plaintiffs filed their *Ex*  
13 *Parte* Application for Leave to Take Immediate Discovery on February 21, 2008, requesting that the  
14 Court enter an Order allowing Plaintiffs to serve a Rule 45 subpoena on the ISP.

15 4. The Court entered an Order for Leave to take Immediate Discovery on February 28,  
16 2008, which Plaintiffs then served upon the ISP along with a Rule 45 subpoena. On April 16, 2008,  
17 the ISP responded to Plaintiffs' subpoena, providing Plaintiffs with identifying information  
18 including a name, telephone number, and address.

19 5. Plaintiffs sent a letter to the individual identified by the ISP on April 29, 2008  
20 notifying her of their claims for copyright infringement and encouraging her to make contact to  
21 attempt to amicably resolve this matter. Thereafter, settlement discussions took place and Plaintiffs  
22 believe that a settlement has been reached. Settlement documents were mailed on May 9, 2008, but  
23 have not yet been executed and returned to Plaintiffs.

24 6. If the signed settlement documents are returned by June 20, 2008 or shortly  
25 thereafter, Plaintiffs will file appropriate dispositional documents with the Court. If not, Plaintiffs  
26 plan to file a First Amended Complaint naming the individual identified by the ISP as the defendant  
27 in this case, and then proceed to serve process upon her.

7. Given the foregoing circumstances, a case management conference is unnecessary at this time. Plaintiffs therefore respectfully request that the Court continue the case management conference currently set for May 30, 2008 at 2:00 p.m. to August 29, 2008.

Dated: May 20, 2008

HOLME ROBERTS & OWEN LLP

By: /s/ Matthew Franklin Jaksa


MATTHEW FRANKLIN JAKSA  
Attorney for Plaintiffs

**[PROPOSED] ORDER**

Good cause having been shown:

**IT IS ORDERED** that the case management conference currently set for May 30, 2008 at 2:00 p.m. to August 29, 2008.

Dated: \_\_\_\_\_

By:   
\_\_\_\_\_  
Honorable Susan Illston  
United States District Judge